

MAUREEN E. McCLAIN (State Bar No. 062050)
Email: mcclain@kmm.com
ALEX HERNAEZ (State Bar No. 201441)
Email: hernaez@kmm.com
MATTHEW P. VANDALL (State Bar No. 196962)
Email: vandall@kmm.com
KAUFF McCLAIN & MCGUIRE LLP
One Post Street, Suite 2600
San Francisco, California 94104
Telephone: (415) 421-3111
Facsimile: (415) 421-0938

Atorneys for Defendants
ALTA BATES SUMMIT MEDICAL CENTER,
RUSSELL D. STANTEN, M.D., LEIGH I.G.
IVERSON, M.D., STEVEN A. STANTEN, M.D., and
WILLIAM M. ISENBERG, M.D., Ph.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX, JR., M.D., as an individual and in his representative capacity under Business & Professions Code Section 17200 et seq..

Plaintiff,

v.

RUSSELL D. STANTEN, M.D., LEIGH I.G.
IVERSON, M.D., STEVEN A. STANTEN,
M.D., WILLIAM M. ISENBERG, M.D.,
Ph.D., ALTA BATES SUMMIT MEDICAL
CENTER and does 1 through 100.

Defendants.

CASE NO. C 07-2486 WHA

**[ALTERNATIVE PROPOSED]
ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO ALTER
THE BRIEFING AND HEARING
DATES RELATING TO
DEFENDANTS' MOTION TO
DISMISS AND SPECIAL MOTION
TO STRIKE**

DEPT: Courtroom 9, 19th Floor
JUDGE: Hon. William H. Alsup

COMPLAINT FILED: May 9, 2007

TRIAL DATE: No date set.

Plaintiff's motion to alter the briefing and hearing dates relating to Defendants' motion to dismiss and special motion to strike (filed with the Court on May 30, 2007), was filed on June 5, 2006. Defendants' opposition papers were filed on June 6, 2006. No hearing was required by the Honorable William H. Alsup, who reviewed the papers.

After full consideration of the parties' papers, the Court finds that a brief continuance of the briefing and hearing dates relating to Defendants' motion to dismiss

1 and special motion to strike is warranted. The Court further finds that the pre-trial
 2 schedule should also be continued so that the parties do not incur additional and
 3 unnecessary fees and costs during the pendency of the special motion to strike.
 4 Specifically, the Court orders that:

5 1. Plaintiff may not oppose the Special Motion to Strike on the ground
 6 that the hearing was set outside the parameters of California Code of Civil Procedure
 7 section 425.16(f);

8 2. The hearing date on the Motion to Dismiss and the Special Motion
 9 to Strike shall be continued from July 5, 2007, until August 2, 2007;

10 3. The due date for Plaintiff's opposition to the Motion to Dismiss and
 11 the Special Motion to Strike shall be continued from June 14, 2007, until July 12, 2007;

12 4. The due date for Defendants' reply briefing for the Motion to Dismiss
 13 and the Special Motion to Strike shall be continued from June 21, 2007, until July 19,
 14 2007;

15 5. The Initial Case Management Conference shall be continued from
 16 August 2, 2007, until August 30, 2007, at 11:00 a.m., before the Honorable William
 17 Alsup;

18 6. No later than August 23, 2007, the parties shall submit a joint case
 19 management conference statement not to exceed ten pages;

20 7. The last day to:

- 21 • meet and confer re: initial disclosures, early settlement, ADR
 22 process selection, and discovery plan; and
- 23 • file Joint ADR Certification with Stipulation to ADR Process or
 24 Notice of Need for ADR Phone Conference

25 shall be continued from July 27, 2007 until August 9, 2007;

26 ///

27 ///

28 ///

1 8. The last day to file the Rule 26(f) Report, complete initial disclosures
2 or state objection in Rule 26(f) Report shall be continued from August 10, 2007, until
3 August 16, 2007.

4 **IT IS SO ORDERED.**

5 DATED: _____

6 Hon. William H. Alsup

7 UNITED STATES DISTRICT COURT JUDGE

8 118635.v1

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28